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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/022,132 02/11/98 D'ACHARD

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EXAMINER

WHITE, C

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

05/22/01

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/022,132

Applicant(s)

D'ACHARD, JOHANNES F.M.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 recites the limitation "the particular session" in lines 11-12 and lines 12-13, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick ('014) in view of Breslow ('873).

Regarding claims 1, 3-4, 6 and 8, Sitrick ('014) discloses a multi-player video game that enables each player to interact with the gaming environment (abstract; Fig. 1B; Fig. 1C); detecting a score and/or performance of each player; capturing the video imaging of the players; and the display of the image of a player, during the game session, on the gaming machines in the network (col. 1, lines 30-49). Sitrick ('014) is

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silent as to whether the image of the player displayed on the gaming machines in the network is that of the highest scoring player. In an analogous video gaming system, Breslow teaches the storage of a player's image data and the player's score information and the display of the highest scorer's image and score (abstract; Fig. 4e). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the display of the high scorers as taught by Breslow in the system of Sitrick in order to increase the competitive aspect of the game, thereby increasing the player's excitement and enthusiasm. Further, while Sitrick teaches that the image of a player is transferred and displayed on the gaming machines in the network, Sitrick is silent as to where the image is displayed. It would have been obvious to display the image of the player in a "prominent" place so that the image can be easily seen by the players. Breslow teaches the prominent display of the score (#66) during the game. Further, Breslow teaches the prominent display of the image and score of the player before or after the game (last 6 lines of abstract; Fig. 4e). It would have been obvious to include the prominent display of the image data and high scorer information as taught by Breslow during the game of Sitrick, rather than at the beginning or end of the game, in order to indicate the leading player so that the competition is more realistic and exciting.

Regarding claims 2 and 7, Sitrick ('014) in view of Breslow teaches all the limitations of the claims. Breslow further teaches the ranking of high-scoring players in respectively successive playing sessions and the display of the image and rank of the high-scoring players (Fig. 4e, #76, #78).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick ('014) in view of Breslow ('873), further in view of Hogan or Weiss.

Regarding claim 9, Sitrick or Breslow teaches all the limitations of the claims as disclosed above. The references lack teaching the feature of suppressing the display of score, performance and/ or video image data. Hogan or Weiss teaches this feature (Hogan-col. 1, lines 41-44; Weiss- col. 6, lines 30-55 and col. 8, lines 52-56). Applicant should refer to the office action dated October 3, 2000, paper #15 for a more detailed description of how/where this limitation is taught by Hogan or Weiss.

Examiner's Response to Applicant's Remarks

Applicant argues that neither Breslow, Hogan, Weiss, nor Sitrick teaches or suggests the feature of displaying a video image of the currently high-scoring player in a prominent position on a display. However, the examiner disagrees. Breslow teaches the prominent display of the video image and ranking of high-scoring players in the game. Regarding the multi-player aspects of the instant claims, Sitrick teaches this feature. The examiner has addressed Applicant's amended claim limitations in the above claim rejections. The examiner asserts that Breslow and Sitrick teach, suggest or disclose the limitations of the instant claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


Carmen White
Patent Examiner


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